



10-06-05

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Laurent DE VOLDER

Serial No.: 10/018,302 Group No.: 2854

Filed: November 8, 2002 Examiner: E. Eickholt

For: PROCESS FOR INKING A PRINTING PLATE WITH THERMOPLASTIC
INKS AND INK TANKS TO BE USED THEREIN

Attorney Docket No.: U 013688-5

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR 37 CFR 1.8 DATE

On August 13, 2003, the applicant paid the Issue Fee and filed an Amendment After Allowance with drawings under cover of a Letter Accompanying Amendment After Allowance.

CERTIFICATION UNDER 37 C.F.R. 1.10*

(Express Mail label number is mandatory.)

(Express Mail certification is optional.)

I hereby certify that this correspondence and the documents referred to as attached therein are being deposited with the United States Postal Service on this date October 4, 2005, in an envelope as "Express Mail Post Office to Addressee", mailing Label Number EV480461720US, addressed to the Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

Geraldine Marti

(type or print name of person mailing paper)

Signature of person mailing paper

WARNING: Certificate of mailing (first class) or facsimile transmission procedures of 37 C.F.R. 1.8 cannot be used to obtain a date of mailing or transmission for this correspondence.

***WARNING:** Each paper or fee filed by "Express Mail" must have the number of the "Express Mail" mailing label placed thereon prior to mailing. 37 C.F.R. 1.10(b).

"Since the filing of correspondence under § 1.10 without the Express Mail mailing label thereon is an oversight that can be avoided by the exercise of reasonable care, requests for waiver of this requirement will not be granted on petition." Notice of Oct. 24, 1996, 60 Fed. Reg. 56,439, at 56,442.

On October 10, 2003, a Notice of Abandonment issued, because no drawing was received.

On October (20) 23, 2003, the applicant filed a copy of the Amendment After Allowance with drawings together with a copy of their postcard receipt.

On January 16, 2004, the applicant renewed the unanswered request of October 20, 2003.

On March 18, 2004, the applicant petitioned renewal of the unanswered request of October 20, 2003.

On July 14, 2004, the applicant filed a Status Inquiry about the unanswered request of October 20, 2003.

On October 5, 2004, the applicant filed a Status Inquiry about the unanswered request of October 20, 2003.

On November 29, 2004, a Decision issued because (1) the postcard receipt does not identify the item -- drawing --, (2) the copies mailed October 20, 2003 did not include a Certificate of Mailing, and (3) the Certificate of Mailing on the Letter Accompanying Amendment After Allowance was not signed.

On December 10, 2004, the applicant noted (1) that the Patent Office itself required the drawing in an Amendment as on the postcard, (2) that there was a Certificate of Mailing on the Amendment with the drawing, and (3) that the Letter Accompanying Amendment After Allowance was irrelevant to the Amendment with drawing.

On April 11, 2005, the applicant was back to a Status Letter.

On May 31 and August 18, 2005, Decisions indicate that the Certificate of Mailing dated August 13, 2003, on the copy of the Amendment filed on October 23, 2003, was not signed, no doubt because submitting a Certificate for August 13 on October 23, 2003, would seem inappropriate.

However, on the insistence of the Decision of August 18, 2005, the applicant submitted a signed copy of the Amendment of August 13, 2003, with drawings and signed Certificate of Mailing.

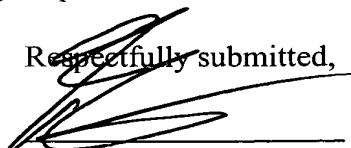
Despite this complete compliance with 37 CFR 1.8, a Decision on Petition refuses this signed copy, "... since it is not an original copy of the Amendment as received August 13, 2003 and October 23, 2003."

No reason for this conclusion is stated nor "original copy" explained. Therefore, the applicant cannot respond, except by asserting complete compliance with 37 CFR 1.8 and requesting withdrawal of Abandonment on such compliance.

This is a statement by the person submitting the Amendment of August 13, 2003, that attests on a personal knowledge basis to the previous timely mailing that is suggested by the postcard receipt of record. The Office should not require further or additional evidence.

Moreover, the Decision is erroneous on its face because, if the Amendment had been received August 13, 2003, none of the following TWO YEARS of delay would be justified.

No fee is required. If a fee is required, please charge deposit account 12-0425.


Respectfully submitted,

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